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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,407	02/10/2000	Harry A. Glorikian	P690CIP1	5124

24739 7590 05/17/2004

CENTRAL COAST PATENT AGENCY  
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EXAMINER

CARDONE, JASON D

ART UNIT PAPER NUMBER

2142

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/502,407

Applicant(s)

GLORIKIAN, HARRY A.

Examiner

Jason D Cardone

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>See Attached Office Action</u> .       |

### **DETAILED ACTION**

1. The disclosure is objected to because of the following informality. Figure 8 is not disclosed in the "Description of the Drawings". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 4 discloses a data repository having data entities identified according to "position and change in position". The examiner understands "according to position" but the examiner does not understand how the data entity is identified according to change in position. The specification discloses data entities are stored in a database by location (position). The data entities could, in addition to location, be stored in relation to time of the information (ie. historical era) and personal interest [Specification, pp. 26-28]. The canceled claims 2 and 5 disclosed "relation to time", while claims 3 and 6 disclose personal interest. Nowhere in the specification are the data entities stored by "change in position". The examiner fails in understanding how the data entities could be stored by their own change in position.

The examiner does understand, and the specification discloses, that the data entities could be “selectable” according to change of position of a mobile device.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4, 6 and 7 rejected under 35 U.S.C. 102(e) as being anticipated by Hancock et al. (“Hancock”), USPN 6,202,023.

6. Regarding claim 1, Hancock discloses a multi-dimensional information repository, comprising: a plurality of stored data entities identified according to position [Hancock, col. 11, line 55 – col. 12, line 7, col. 19, line 48 – col. 20, line 15, col. 26, lines 12-41 and col. 27, line 28 – col. 28, line 22];

a data retrieval system [Hancock, col. 27, line 28 – col. 28, line 22 and col. 32, lines 4-50];

characterized in that the data entities are selected for retrieval by the retrieval system according to the position and direction and rate of change in position [Hancock, col. 9, lines 18-41, col. 11, lines 9-35 and col. 32, lines 4-64].

7. Regarding claim 3, Hancock further discloses individual ones of the plurality of data structures are identified according to human-interest categories in addition to the position and change of position [Hancock, col. 28, lines 38-65].

8. Regarding claim 4, Hancock discloses an Internet-connected subscription server system, comprising: a data repository having data entities identified and selectable according to position and change in position [Hancock, col. 11, line 55 – col. 12, line 7, col. 19, line 48 – col. 20, line 15, col. 26, lines 12-41 and col. 27, line 28 – col. 28, line 22];

a communication module for receiving data requests accompanied by position data; and a code set for managing retrieval of information from the data repository in response to the data requests [Hancock, col. 27, line 28 – col. 28, line 22 and col. 32, lines 4-64];

characterized in the system, receiving a data request, uses the position data accompanying the request, and direction and rate of change in position to select data entities to retrieve [Hancock, col. 9, lines 18-41, col. 11, lines 9-35 and col. 32, lines 4-64].

9. Regarding claim 6, Hancock discloses the system maintains subscriber information profiles, including subscriber interests, data requests identify individual subscribers, data entities are identified according to interest categories and the system

Art Unit: 2142

accesses data entities at least in part according to interests of the user initiating the data request [Hancock, col. 28, line 38 – col. 29, line 67].

10. Regarding claim 7, Hancock discloses the data repository is a first data repository local to the Internet server the system, through the code set, accesses remote Internet-connected information sources, and retrieves information from the remote sources according to stored client interests and the position, direction and rate of change in position [Hancock, col. 9, lines 47-64, col. 24, lines 39-59 and col. 29, lines 46-67].

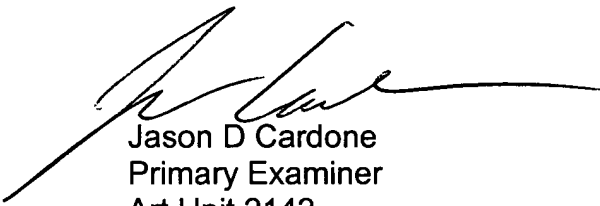
### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (703) 305-8484. The examiner can normally be reached on Mon.-Thu. (9AM-6PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason D Cardone  
Primary Examiner  
Art Unit 2142

May 13, 2004